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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,266

02/11/2005

Ruediger Duwendag

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JACOBSON HOLMAN PLLC
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EXAMINER

DESAI, HEMANT

ART UNIT

PAPER NUMBER

3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

5/18

Office Action Summary	Application No. 10/524,266	Applicant(s) DUWENDAG ET AL.	
	Examiner Hemant M. Desai	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15, 18-27 and 29-37 are rejected under 35 U.S.C. 102(b) as being anticipated by McDaniel (4256526).

McDaniel discloses a bottoming device for cross bottom paper bags which forms the cross bottoms of paper bags that implements folds at the extremities of tubular segments (16, fig. 1) from which the bags are produced that this manner applies glue layers (30-32, fig. 1) to the folded bottoms on the extremities of the tubular segments and/or the sheets (16) intended to be glued with the bottoms with the help of gluers (40-42, fig. 1), which connects and glues the folded bottoms and the sheets, the device comprising at least one gluer (40-42) that is equipped with at least one glue reservoir (45, fig. 1) in which glue is exposed to a pressure that is higher than the ambient pressure (see col. 7, lines 4-10) such that the at least one glue reservoir is provided with at least one glue output orifice (36-38) through which glue is directly applied sheets (16), which meets all the claimed limitations.

Regarding claim 2, the bottoming device discloses that the glue transfer can be carried out in a contact-free manner.

Regarding claim 3, the modified bottoming device discloses that the glue ducts (36) that supply glue to the glue output orifices (30) have at least one valve (the glue ducts are provided with timers T1-T2, fig. 1. Therefore the valves are inherent.).

Regarding claims 4-15 and 20-22, the bottoming device discloses the claimed limitations.

Regarding claim 23, the glue application head is supplying the glue to the nozzles under the pressure therefore it is inherent the reservoir has pressure relief and controller.

Regarding claims 26-27, the bottoming device discloses that at least one valve (timer T1) that provides at least one glue output orifice (38) with glue can be controlled independent of the other valves, so that the application of the glue line produced from the at least one glue output orifice can be started and stopped selectively.

Regarding claim 30, the modified bottoming device discloses that the glue channels that transport the glue to a majority of valves (32) have a common cross-sectional area that is at least half as large as the sum of the cross-sectional areas of the glue output orifices that extrude this glue.

Regarding claim 31, the bottoming device discloses that a hard counter bearing is provided on which the bag components are located during the glue application.

Regarding claim 32, the bottoming device discloses that the transfer direction of the glue to the valves more stoppers are provided with which the glue channels (36-38) can be sealed.

Regarding claims 33-35, the bottoming device discloses that the sealability of the glue channels is ensured by screws.

Regarding claims 36-37, the bottoming device discloses that at least one valve (T1) that is active during the formation of a definite glue format opened or closed other points of time than the other valves (32) during the gluing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel.

Regarding claims 16-19, the bottoming device discloses all the limitations, except for making the gluing head adjustable. It would have been obvious one having ordinary skill in the art at the time of invention was made the glue head adjustable to change the glue pattern and for maintenance purpose, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Regarding claim 28, McDaniel discloses the claimed invention except for at least 5 valves (32) are provided. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide five valve, since McDaniel disclose to provide two valve (timers T1 and T2), since it has been held that mere duplication of

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the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

5. Applicant's arguments with respect to claim 1-37 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HEMANT M. DESAI
PRIMARY EXAMINER